



Santa Clara Valley Water District Board of Directors Meeting

Headquarters Building Boardroom
5700 Almaden Expressway
San Jose, CA 95118

***AMENDED/APPENDED** **11:00 AM CLOSED SESSION AND** **1:00 PM REGULAR MEETING AGENDA**

Tuesday, June 12, 2018
11:00 AM

***ITEMS AMENDED AND/OR APPENDED SINCE THE ORIGINAL PUBLICATION OF THIS AGENDA
ARE IDENTIFIED BY AN ASTERISK (*) HEREIN**

District Mission: Provide Silicon Valley safe, clean water for a healthy life, environment and economy.

DISTRICT BOARD OF DIRECTORS

Richard P Santos, Chair, District 3
Linda J LeZotte, Vice Chair, District 4
John L Varela, District 1
Barbara Keegan, District 2
Nai Hsueh, District 5
Tony Estremera, District 6
Gary Kremen - District 7

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the Clerk of the Board at the Santa Clara Valley Water District Headquarters Building, 5700 Almaden Expressway, San Jose, CA 95118, at the same time that the public records are distributed or made available to the legislative body. Santa Clara Valley Water District will make reasonable efforts to accommodate persons with disabilities wishing to attend Board of Directors' meeting. Please advise the Clerk of the Board Office of any special needs by calling (408) 265-2600.

NORMA CAMACHO
Chief Executive Officer

MICHELE L KING, CMC
Clerk of the Board
(408) 265-2600
Fax (408) 266-0271
www.valleywater.org

Note: The finalized Board Agenda, exception items and supplemental items will be posted prior to the meeting in accordance with the Brown

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Board of Directors**

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Tuesday, June 12, 2018

11:00 AM

Headquarters Building Boardroom

1. CALL TO ORDER:

1.1. Roll Call.

2. TIME CERTAIN:

11:00 AM

Notice to the Public: The Board of Directors meets in Closed Session in accordance with the Ralph M. Brown Act. Following the conclusion of Closed Session discussion, the Board will return for the remaining items on the regular meeting agenda.

2.1. CLOSED SESSION

[18-0429](#)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code Section 54957(b)(1)

Title: District Counsel and Chief Executive Officer

2.2. CLOSED SESSION

[18-0450](#)

CONFERENCE WITH LEGAL COUNSEL

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8:

Setting Negotiation Parameters for Price and Terms of Payment for

Acquiring Property Interest from Pacheco Pass Water District

(APN 898-11-009 and 898-49-002) in Santa Clara County

Negotiators: Norma Camacho, Chief Executive Officer; Nina Hawk, Chief

Operating Officer, Water Utility; Garth Hall, Deputy Operating Officer,

Water Supply Division

1:00 PM

2.3. District Counsel Report.

2.4. Pledge of Allegiance/National Anthem.

2.5. Orders of the Day.

A. *Approximate Discussion Time (Board); and*

B. *Adjustments to the Order of Agenda Items.*

2.6. Time Open for Public Comment on any Item not on the Agenda.

Notice to the public: This item is reserved for persons desiring to address the Board on any matter not on this agenda. Members of the public who wish to address the Board on any item not listed on the agenda should complete a Speaker Card and present it to the Clerk of the Board. The Board Chair will call individuals to the podium in turn. Speakers comments should be limited to three minutes or as set by the Chair. The law does not permit Board action on, or extended discussion of, any item not on the agenda except under special circumstances. If Board action is requested, the matter may be placed on a future agenda. All comments that require a response will be referred to staff for a reply in writing. The Board may take action on any item of business appearing on the posted agenda.

2.7. Resolution Recognizing the 2018 Employee Recognition Awardees.

[18-0418](#)

Recommendation: Adopt the Resolution RECOGNIZING THE 2018 EMPLOYEE RECOGNITION AWARDEES.

Manager: Anil Comelo, 408-630-2470

Attachments: [Attachment 1: Resolution](#)
[Attachment 2: PowerPoint](#)

Est. Staff Time: 10 Minutes

2.8. Presentation of Outstanding Environmental Project Award to the District as One of the Major Partners of the South Bay Salt Pond Restoration Project by Friends of the San Francisco Estuary.

[18-0234](#)

Recommendation: This is an informational presentation; no Board action is required.

Manager: Vincent Gin, 408-630-2633

Est. Staff Time: 10 Minutes

3. CONSENT CALENDAR: (3.1 - 3.9) (Est. Time: 5 Minutes)

Notice to the public: There is no separate discussion of individual consent calendar items. Recommended actions are voted on in one motion. If an item is approved on the consent vote, the specific action recommended by staff is adopted. Items listed in this section of the agenda are considered to be routine by the Board, or delegated to the Board Appointed Officers (BAOs) yet required by law or contract to be Board approved (EL-7.10). Any item may be removed for separate consideration at the request of a Board member. Whenever a resolution is on the consent calendar, a roll call vote will be taken on the entire calendar. Members of the public wishing to address the Board on any consent items should complete a Speaker Card and present it to the Clerk of the Board.

- 3.1. Resolution Requesting and Consenting to Consolidation of Elections for November 6, 2018. [18-0371](#)

Recommendation: Adopt the Resolution REQUESTING AND CONSENTING TO CONSOLIDATION OF ELECTION.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: Resolution](#)
[Attachment 2: General Election Calendar](#)

- 3.2. Resolution Recognizing June as Lesbian, Gay, Bisexual, and Transgender (LGBT) Pride Month. [18-0387](#)

Recommendation: Adopt the Resolution RECOGNIZING JUNE AS LGBT PRIDE MONTH.

Manager: Joseph Aranda, 408-630-2326

Attachments: [Attachment 1: Resolution](#)
[*Handout 3.2-A, Mr K Howe Comments](#)

- 3.3. Resolution Authorizing the Acquisition of a Grant Deed From and Conveyance of a Quitclaim Easement Deed to Francisco J. Arriaga, for the Upper Llagas Creek Flood Protection Project, Project No. 26174051 (Morgan Hill), (District 1). [18-0292](#)

Recommendation: A. Adopt the Resolution authorizing the ACQUISITION OF A GRANT DEED FROM AND CONVEYANCE OF A QUITCLAIM EASEMENT DEED TO FRANCISCO J. ARRIAGA FOR THE UPPER LLAGAS CREEK FLOOD PROTECTION PROJECT, PROJECT NO. 26174051 (MORGAN HILL);

B. Approve the Real Property Exchange Agreement 5010-237 & 5027-313.1 and authorize the CEO to execute the Real Property Exchange Agreement;

C. Authorize the CEO to execute the Certificate of Acceptance for Grant Deed 5010-237; and

D. Authorize the CEO to execute the Quitclaim Easement Deed 5027-313.1.

Manager: Katherine Oven, 408-630-3126

Attachments: [Attachment 1: Resolution](#)
[Attachment 2: Exchange Agreement](#)
[Attachment 3: Grant Deed](#)
[Attachment 4: Quitclaim Deed](#)
[Attachment 5: Phase I HSLA](#)
[Attachment 6: Notice of Determination](#)

- 3.4. Amendment No. 3 to Agreement No. A3741G with Hydrometrics Water Resources Inc. for Consultant Services for a Not-to-Exceed Fee of \$151,531, Resulting in a Total Not-to-Exceed Fee of \$563,547 for the Groundwater Charge Zone Study ("Groundwater Benefit Zone Study"). [18-0208](#)

Recommendation: Approve Amendment No. 3 to Agreement No. A3741G with Hydrometrics Water Resources Inc. for Consultant Services for a Not-to-Exceed Fee of \$151,531, Resulting in a Total Not-to-Exceed Fee of \$563,547 for the Groundwater Charge Zone Study ("Groundwater Benefit Study") and to extend the Agreement term.

Manager: Garth Hall, 408-630-2750

Attachments: [Attachment 1: Amendment 3](#)

- 3.5. Board of Directors' Quarterly Expense Report for the Quarter Ending March 31, 2018. [18-0394](#)

Recommendation: A. Review the Board of Directors' Quarterly Expense Report for the Quarter Ending March 31, 2018; and

B. Approve the report, if the reimbursements comply with Board Policy.

Manager: Darin Taylor, 408-630-3068

Attachments: [Attachment 1: Quarterly Expense Reports](#)

- *3.6. Item Removed From Agenda.

- 3.7. Acquisition of Real Property Interests from One Hanson, LLC, for the Lower Berryessa Creek Flood Protection Project, Phase 2, Project No.40174005, APN No. 022-31-020, Real Estate File No. 4018-22 and Real Estate File No. 4018-29 (Milpitas) (District 3). [18-0378](#)

Recommendation: A. Authorize the Chief Executive Officer to execute a Right of Way Agreement between One Hanson, LLC, and the District, for acquisition of a permanent easement and a temporary construction easement, located at 1 Hanson Court, Milpitas, CA, based upon the terms and conditions as set forth in the Agreement;

B. Authorize the Chief Executive Officer to accept the Easement Deed (4018-22) from One Hanson, LLC; and

C. Authorize the Chief Executive Officer to accept the Temporary Construction Easement (4018-29) from One Hanson, LLC.

Manager: Ngoc Nguyen, 408-630-2632

Attachments: [Attachment 1: Right of Way Agreement](#)
[Attachment 2: Easement Deed](#)
[Attachment 3: Temporary Construction Easement](#)
[Attachment 4: HSLA Waiver Memorandum](#)
[Attachment 5: Itemization of Water Line Relocation Costs](#)
[Attachment 6: Notice of Determination](#)

- 3.8. Adopt Plans and Specifications and Authorize Advertisement for Bids for the Construction of the Matadero Creek Sediment Removal and Erosion Repair Project, from West Bayshore Road to Louis Road (Palo Alto); and San Tomas Aquino Creek Erosion Repair Project, from Virginia Avenue to Smith Creek confluence (San Jose and Campbell), and from Williams Road to USGS Gage (San Jose). Project No. 62084001, Task No. 5188, Contract No. C0642, (Palo Alto, Campbell, and San Jose) (Districts 2, 4, and 7). [18-0433](#)

- Recommendation: A. Adopt Plans and Specifications and Authorize Advertisement for Bids for Construction of the Matadero Creek Sediment Removal and Erosion Repair Project, from West Bayshore Road to Louis Road (Palo Alto); and San Tomas Aquino Creek Erosion Repair Project, from Virginia Avenue to Smith Creek confluence (San Jose and Campbell), and from Williams Road to USGS Gage (San Jose) per the Notice to Bidders; and
- B. Authorize the Designated Engineer to issue addenda, as necessary, during the bidding process.

Manager: Ngoc Nguyen, 408-630-2632

Attachments: [Attachment 1: Notice To Bidders](#)
[Attachment 2: Map](#)
[Attachment 3: Project Delivery Process Chart](#)

- *3.9. CEO Bulletins for the Weeks of May 18-24, 25-31, and June 1-7, 2018. [18-0451](#)

Recommendation: Accept the CEO Bulletins.

Manager: Norma Camacho, 408-630-2084

Attachments: [Attachment 1: 052418 CEO Bulletin](#)
[Attachment 2: 053118 CEO Bulletin](#)
[*Attachment 3: 060718 CEO Bulletin](#)

REGULAR AGENDA:

4. BOARD OF DIRECTORS:

4.1. Board Committee Reports.

5. WATER UTILITY ENTERPRISE:

*5.1. Water Supply Master Plan Update. (Continued from April 10, 2018)

[18-0452](#)

- Recommendation: A. Receive and discuss information on alternative water supply strategies;
- B. Receive and discuss stakeholder input on water supply projects and alternative water supply strategies; and
- C. Receive and discuss preliminary cost of shortage analysis as it pertains to the District's water supply reliability level of service goal.

Manager: Garth Hall, 408-630-2750

Attachments: [Attachment 1: PowerPoint](#)
[Attachment 2: Project List](#)
[Attachment 3: Stakeholder Workshops Summary](#)
[*Supplemental Agenda Memorandum](#)
[*Handout 5.1-A, Ms. K. Irvin \(003\) Comments](#)
[*Handout 5.1-B, Mr. L. Kishler Comments](#)
[*Handout 5.1-C, Ms. K. Irvin Comments](#)

Est. Staff Time: 15 Minutes

6. WATERSHEDS:

- 6.1. Consultant Services Agreement with Stillwater Sciences, Inc., for Two Years Mitigation Monitoring, Reporting, and Adaptive Management Team Facilitation, for the Downtown and Upper Guadalupe River Projects, Project No. 30151026, for a Not-to-Exceed Amount of \$738,648 (\$369,324 Per Year) (San Jose) (District 2, 3, 4, and 6).

[18-0325](#)

Recommendation: Approve the Consultant Services Agreement with Stillwater Sciences, Inc., for Two Years Mitigation Monitoring, Reporting, and Adaptive Management Team Facilitation, for the Downtown and Upper Guadalupe River Projects, Project No. 30151026, for a Not-to-Exceed Amount of \$738,648 (\$369,324 Per Year).

Manager: Vincent Gin, 408-630-2633

Attachments: [Attachment 1: Consultant Agreement](#)

Est. Staff Time: 10 Minutes

6.2. Update on Climate Change Adaptation and Preparation of a Climate Change Action Plan. [18-0110](#)

Recommendation: Receive information on the District's activities towards climate change adaptation and discuss the District's plan to create a Climate Change Action Plan (CCAP).

Manager: Vincent Gin, 408-630-2633

Attachments: [Attachment 1: PowerPoint](#)
[Attachment 2: Update on Climate Change Adaptation](#)
[Attachment 3: Chronology of Past Board Presentations](#)

Est. Staff Time: 10 Minutes

6.3. San Francisquito Creek Flood Protection Project, San Francisco Bay to Middlefield Road, Project No. 26284002, (San Francisquito Creek Flood Protection Project) Fiscal Year 2018 (FY18) Budget Adjustment in the Amount of \$2,119,897 from Watersheds Stream Stewardship Fund (Fund 12) and FY18 Budget Adjustment in the Amount of \$300,000 from the Safe, Clean Water and Natural Flood Protection Program Fund Project Reserves (Fund 26 Project Reserves), (Palo Alto) (District 7). [18-0302](#)

Recommendation: A. Approve a FY18 budget adjustment in the amount of \$2,119,897 from Fund 12 to Fund 26, Project No. 26284002; and
B. Approve a FY18 budget adjustment in the amount of \$300,000 from Fund 26 Project Reserves, Project No. 26284002.

Manager: Ngoc Nguyen, 408-630-2632

Est. Staff Time: 10 Minutes

- *6.4. Report of Bids Received and Award of Construction Contract to Gordon N. Ball, Inc. for the Cunningham Flood Detention Facility Certification Project, Project No. 40264011 (San Jose) (District 1). [18-0338](#)

- Recommendation:
- A. Consider the Addendum to the Final Initial Study/Mitigated Negative Declaration for the Cunningham Flood Detention Certification Project (IS/MND);
 - B. Ratify Addenda No(s). 1, 2 and 3 to the Contract Documents for the Cunningham Flood Detention Facility Certification Project;
 - C. Award the Contract to Gordon N. Ball, Inc. located in Alamo, California, in the sum of \$3,748,000.00; and
 - D. Approve a contingency sum of \$374,800.00 and authorize the Chief Executive Officer or designee to approve individual change orders up to the designated amount.

Manager: Ngoc Nguyen, 408-630-2632

Attachments: [Attachment 1: Addendum to the Final IS/MND](#)
[Attachment 2: Addenda Nos. 1, 2 and 3](#)
[Attachment 3: Project Delivery Process Chart](#)

Est. Staff Time: 10 Minutes

- *6.5. Report of Bids Received and Award of Construction Contract to PMK Contractors, LLC in the sum of \$1,110,300.00, for Construction of the Stevens Creek Bank and Access/Trail Road Repair Project, Downstream of El Camino Real (SR 82), Project No. 62062003, Task No. 1062, Contract No. C0638, (Mountain View) (District 7). [17-0826](#)

- Recommendation:
- A. Ratify Addenda No.1 and No. 2 to the Contract Documents for the Stevens Creek Bank and Access/Trail Road Repair Project, Downstream of El Camino Real (SR82) (Project);
 - B. Waive a minor irregularity in PMK Contractors' bid;
 - C. Award the Construction Contract to PMK Contractors, LLC in the sum of \$1,110,300.00 subject to approval of the Notice of Proposed Work under the Stream Maintenance Program 2; and
 - D. Approve a contingency sum of \$111,030.00 and authorize the Chief Executive Officer (CEO) or designee to approve individual change orders up to the designated amount.

Manager: Ngoc Nguyen, 408-630-2632

Attachments: [Attachment 1: Project Location Map](#)
[Attachment 2: Addendum No. 1](#)
[Attachment 3: Addendum No. 2](#)
[Attachment 4: Project Delivery Process Chart](#)

Est. Staff Time: 10 Minutes

7. EXTERNAL AFFAIRS:

7.1. Office of Communications Update. [18-0270](#)

- Recommendation: A. Receive update responding to Board member requests and questions about Office of Communications activities;
- B. Receive information on the Office's accomplishments and planned activities; and
- C. Provide input on current and future challenges, goals and accomplishments since the last presentation to the Board.

Manager: Rick Callender, 408-630-2017

Attachments: [Attachment 1: PowerPoint](#)

Est. Staff Time: 10 Minutes

7.2. Recommended Position on Federal Legislation: HR XXXX (Calvert) - Fiscal Year 2019 House Interior-Environment Appropriations Bill. [18-0454](#)

Recommendation: Adopt a position of "Oppose Section 437" on HR XXXX (Calvert) - Fiscal Year 2019 House Interior-Environment Appropriations Bill.

Manager: Rachael Gibson, 408-630-2884

Est. Staff Time: 10 Minutes

8. CHIEF EXECUTIVE OFFICER:

8.1. CEO and Chiefs' Report.

9. ADMINISTRATION:

9.1. Resolution to Support District Employees Post Janus v. AFSCME. [18-0435](#)

Recommendation: Adopt the Resolution TO SUPPORT DISTRICT EMPLOYEES POST JANUS V. AFSCME.

Manager: Michael Baratz, 408-630-2361

Attachments: [Attachment 1: Resolution](#)
[*Handout 9.1-A, Mr. J. Tucker Comments](#)

Est. Staff Time: 10 Minutes

- 9.2. Resolution Adopting Employee Salary Schedule - Effective the First Pay Period of Fiscal Year 2019.

[18-0461](#)

Recommendation: Adopt the Resolution ADOPTING EMPLOYEE SALARY SCHEDULE - EFFECTIVE THE FIRST PAY PERIOD OF FISCAL YEAR 2019.

Manager: Michael Baratz, 408-630-2361

Attachments: [Attachment 1: Resolution](#)

Est. Staff Time: 10 Minutes

10. DISTRICT COUNSEL:

11. ADJOURN:

- 11.1. Board Member Reports/Announcements.
- 11.2. Proposed Future Board Member Agenda Items.
- 11.3. Clerk Review and Clarification of Board Requests.
- 11.4. Adjourn to Regular Meeting at 6:00 p.m., on June 26, 2018, in the Santa Clara Valley Water District Headquarters Building Boardroom, 5700 Almaden Expressway, San Jose, California.